

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

WINDHAVEN TOP INSURANCE
HOLDINGS LLC, *et al.*¹,

Debtors.

Chapter 7

Case No. 20-10524 (CSS)

(Jointly Administered)

NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS

PLEASE TAKE NOTICE that Morris, Nichols, Arsh & Tunnell LLP and Hogan Lovells US LLP hereby enter their appearances (the “Notice of Appearance”) in the above-captioned cases as counsel to Atalaya Capital Management LLP (“Atalaya Capital”), Atalaya Special Opportunities Fund VII LP (“Atalaya Fund,” and together with Atalaya Capital, “Atalaya”) and Midtown Madison Management LLC (“Midtown”) pursuant to section 1109(b) of title 11 of the United States Code, rules 2002, 9007, and 9010 of the Federal Rules of Bankruptcy Procedure (as amended, the “Bankruptcy Rules”), and rule 2002-1(d) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, and request that copies of any and all notices and papers filed or entered in these cases be given to and served upon the following:

¹ The Debtors in these chapter 7 cases, along with each Debtor’s bankruptcy case number, are Windhaven Top Insurance Holdings, LLC, Case No. 20-10524 (CSS); Windhaven Insurance Services, LLC, Case No. 20-10525 (CSS); Windhaven Underwriters, LLC, Case No. 20-10526 (CSS); Windhaven Select, LLC, Case No. 20-10527 (CSS); Whited and Sons, LLC, Case No. 20-10652 (CSS); Clutch Analytics, LLC, Case No. 20-10653 (CSS); Clutch Wholesale Insurance Agency, LLC, Case No. 20-10654 (CSS); Windhaven Claims Management, LLC, Case No. 20-10655 (CSS); Windhaven National Holding Company, Case No. 20-10656 (CSS); The Hearth Insurance Group, LLC, Case No. 20-10657 (CSS); Windhaven Insurance Holdings Corporation, Case No. 20-10754 (CSS).

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PLEASE TAKE FURTHER NOTICE that this constitutes not only a request for service of the notices and papers referred to in the Bankruptcy Rules specified above, but also includes, without limitation, a request for service of all orders and notices of any application, motion, petition, pleading, request, complaint, or demand, whether formal or informal, whether written or oral, and whether transmitted or conveyed by mail, courier service, hand delivery, telephone, facsimile transmission, telegraph, telex, or otherwise, that (1) affects or seeks to affect in any way any rights or interests of any creditor or party in interest in these cases, with respect to (a) the debtors in the above-captioned cases (the “Debtors”) and any related adversary proceedings, whether currently pending or later commenced; (b) property of the Debtors’ estates, or proceeds thereof, in which the Debtors may claim an interest; or (c) property or proceeds thereof in the possession, custody, or control of others that the Debtors may seek to use; or (2) requires or seeks to require any act or other conduct by a party in interest.

PLEASE TAKE FURTHER NOTICE that this notice of appearance and any subsequent appearance, pleading, claim, or suit is not intended nor shall be deemed to waive the rights of Atalaya or Midtown: (1) to have an Article III judge adjudicate in the first instance any case, proceeding, matter, or controversy as to which a bankruptcy judge may not enter a final

order or judgment consistent with Article III of the United States Constitution; (2) to have final orders in a non-core case, proceeding, matter, or controversy entered only after an opportunity to object to proposed findings of fact and conclusions of law and a *de novo* review by a district court judge; (3) to trial by jury in any case, proceeding, matter, or controversy so triable; (4) to have the reference withdrawn by the United States District Court in any case, proceeding, matter, or controversy subject to mandatory or discretionary withdrawal; or (5) any other rights, claims, actions, defenses, setoffs, or recoupments to which Atalaya or Midtown is or may be entitled under agreements, in law or in equity, all of which rights, claims, actions, defenses, setoffs, and recoupments expressly are hereby reserved. For the avoidance of doubt, filing this notice is not intended as, and shall not be, consent by either Atalaya or Midtown to the entry of final orders and judgments in any case, proceeding, matter, or controversy if it is determined that the Court, absent consent of Atalaya or Midtown, as applicable, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

Dated: April 30, 2020

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Paige N. Topper

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